

REMARKS

Specification

The specification has been amended to correct a typographical error and to insert the serial number of an application that was filed on the same day as the present application.

Pending Claims

Claims 1 to 3 and 7 are pending. Claim 1 has been amended and support for the amendment to claim 1 can be found throughout the specification and drawings.

Rejections under 35 U.S.C. § 102

Claims 1, 2, and 7 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,770,149 to Raible. Applicants respectfully traverse this rejection of the claims.

Claim 1 as amended recites an integrated device comprising a bubble trap defined by a first portion of a housing and states that the integrated device does not comprise a venous reservoir. Raible does not teach or suggest the subject matter of claim 1.

The Examiner has taken the position that Raible discloses an integrated device which includes a “bubble trap (fig. 8: 122) having an inlet (fig. 3: 28; fig. 8: 118) for receiving venous blood and an outlet (88; 88a) for supplying venous blood”. However, numeral 122 (FIG. 8 of the Raible patent) which the Examiner refers to as a bubble trap, is part of the venous reservoir 111. Claim 1 as amended recites that the integrated device does not comprise a venous reservoir. Accordingly, claim 1 now requires an integrated device having a bubble trap but not having a venous reservoir. Raible does not teach or suggest such an integrated

device. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 2 and 7 depend from claim 1 and thus add further limitations to claim 1. Therefore, Applicants believe claims 2 and 7 are also allowable and respectfully request that the Examiner withdraw the rejection of claims 2 and 7.

Rejections Under 35 U.S.C. § 103

Claim 3 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Raible in view of U.S. Patent No. 5,924,848 to Izraelev. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1 and adds further limitations to claim 1. For the reasons presented above, claim 1 is allowable. Because claim 3 depends from claim 1, claim 3 is also allowable.

In addition, Applicants submit that Izraelev includes no disclosure nor teaching that would lead a person of skill in the art to modify Raible as required by claim 3. Izraelev discloses a centrifugal pump having a gyroscopic feature that stabilizes the impeller when the axis of the housing is rotated relative to the spin axis of the rotor. (Izraelev, col. 3, lines 52 to 56). In describing this feature Izraelev states that “the spin axis of the rotor may be altered because of a change-of-position of the housing, and thus the spin axis may not always be about the vertical axis, but can be about the horizontal axis as well.” (Izraelev, col. 3, lines 55 to 59). Izraelev merely teaches that his pump remains functional even if its position is changed. Specifically, it is functional in positions where the spin axis is not vertical including where the spin axis is horizontal. This feature is significant in Izraelev where one of the applications of the pump is for implantation within a patient. (Izraelev, col. 7, lines 28 to 31). In that application it would be important for the pump to function properly when the patient moves or changes positions. Izraelev does not teach that there is any reason, advantage or

benefit of using the pump with its axis of rotation horizontal. Therefore, Izraelev provides no reason for a person of skill in the art to modify Raible to use a centrifugal pump positioned with its axis horizontal.

Double Patenting Rejection

Claims 1 to 3 and 7 have been provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 1, 4, and 5 of co-pending Application No. 10/805,165. In response, Applicants submit a terminal disclaimer over the '165 application.

Information Disclosure Statement

Applicants respectfully request that the Examiner initial and return a copy of the Form 1449 filed with the December 21, 2006 Supplemental Information Disclosure Statement.

Conclusion

In view of Applicants' amendments and remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue are respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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